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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/615,797  
Applicant(s) : ROBERTS  
Filed : July 10, 2003  
Tech Cntr/GAU : 1616  
Examiner : Alton Nathaniel Pryor  
Entitled : Metal Compounds, Mixed or Sulphated, As Phosphate Binders  
  
Attorney Reference : 120285-40304772  
Customer Number : 43569

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Sir:

Pursuant to 37 CFR §1.97 and 1.56, the attention of the U.S. Patent and Trademark Office is hereby directed to the following disclosures made herein, which include:

**REFERENCES AND RELEVANCY**

- ☒ Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. Copies of the listed documents are attached, where required, as are any readily available full or partial English translations of any non-English language documents.
- ☐ Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. The references cited herein were cited for consideration in the parent application, and, pursuant to 37 CFR 1.98(d), copies of the cited references can be found in the file of the parent application (U.S. Serial No. , filed ).
- ☐ Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. The references cited herein were cited in the International Search Report issued for the corresponding International application, and copies of the International Search Report and the cited references are attached for the Examiner's consideration.
- ☐ Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. The references cited herein were cited in a communication from a foreign or international patent office in a counterpart foreign or international application(s), and copies of both the relevant communication and the cited references, where required, are attached for the Examiner's consideration.

### CERTIFICATION

The undersigned certifies that, pursuant to 37 CFR §1.97(e)(1),

- ☐ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application not more than three months prior to the filing of this Statement.

### RELATED CASES

- ☐ Identified in the attached Appendix are related applications directed to related technical subject matter. Copies of the related applications, where required, are attached for the Examiner's consideration. *The identification of the related U.S. patent applications is not to be construed as a waiver of secrecy for those applications, now or upon issuance of the present application as a patent.*

### BASIS FOR CONSIDERATION

This Information Disclosure Statement is filed:

- ☒ within three months of the filing date of the application and/or before the mailing date of a first Official Action on the merits, and no fee is required [37 C.F.R. §1.97(b)].
- ☐ with the appropriate certification, and no fee is required [37 C.F.R. §1.97(e)(1)].
- ☐ after the mailing date of the first Official Action on the merits, but prior to the issuance of a Final Official Action or a Notice of Allowance, and the requisite fee, if necessary, is authorized herein for payment [37 C.F.R. §1.97(c)].
- ☐ after the mailing date of the Final Official Action or Notice of Allowance, but prior to the payment of the issue fee, the requisite certification under 37 CFR §1.97(e)(1) is made herein, and the requisite fee, if necessary, is authorized herein for payment [37 C.F.R. §1.97(d)].
- ☐ with a Request for Continued Examination (RCE), and no fee is required [37 C.F.R. §1.97(b)(4)].

### FEE AUTHORIZATION

- ☒ Authorization is hereby given to charge any deficient fee(s) under 37 CFR §1.16 and §1.17 as necessary to ensure the consideration of this disclosure, or to credit any fee overpayments, to Deposit Account No. 503-121.
- ☐ Authorization is hereby given to charge the requisite fee of \$180 (Fee Code 1806) for submission of this Information Disclosure Statement to Deposit Account No. 503-121.

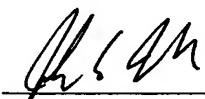
It is respectfully requested that this information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The Examiner is further respectfully requested to return of a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column.

The examination and allowance of this Application is respectfully requested.

Respectfully Submitted,

MAYER BROWN ROWE & MAW LLP

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Date: July 3, 2006  
Attachment(s): PTO Form 1449  
Cited References



**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**

Attorney Reference: 120285-40304772

Applicant: ROBERTS

Application Serial No. 10/615,797

Filing Date: July 10, 2003

Date: July 3, 2006

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Examiner: Alton N. Pryor Group Art Unit: 1616

**U.S. PATENT DOCUMENTS**

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR 4,415,555	11/1983	Anabuki et al.			
	BR 5,514,281	05/1996	Boos et al.			
	CR 5,173,284	12/1992	Moisset et al.			
	DR					

**FOREIGN PATENT DOCUMENTS**

	Document Number	Date MM/YYYY	Country	Translation Readily Available		English Abstract	
				Enclosed	No	Enclosed	No
	ER 95/11033	04/1995	WO			X	
	FR 0368420	05/1990	EP			X	
	GR 3402878	08/1985	DE				
	HR 0150792	02/1991	EP			X	
	IR 3001114	11/1999	JP			X	

**OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)**

JR	ZHANG et al., "Phosphorous Anion-Exchange Characteristics of a Pyroaurite-Like Compound," <i>Inorganic Materials</i> , Vol. 4, March 1997, pp. 132-138 (with English Translation).
KR	TRIFIRO et al., "Hydrotalcite-like Anionic Clays (Layered Double Hydroxides)," pp. 251-291
LR	GUILLOT et al., "The Use of Magnesium-Containing Phosphate Binders in Patients with End-Stage Renal Disease on Maintenance Hemodialysis," <i>Nephron</i> , Vol. 30, 1982, pp. 114-117.
MR	VAN DER VOET et al., "Intestinal Absorption of Aluminum From Antacids: A Comparison Between Hydrotalcite and Algeldrate," <i>Clinical Technology</i> , 24(6), 1986-87, pp. 545-553.
NR	POWELL et al., "The Chemistry of Aluminum in the Gastrointestinal Lumen and its Uptake and Absorption," <i>Proceeding of the Nutrition Society</i> , 52, 1993, pp. 241-253.
OR	HANSEN et al., "Synthesis and Characterization of Pyroaurite," <i>Applied Clay Science</i> , 10, 1995, pp. 5-19.
PR	CARLINO, "Chemistry Between the Sheets," <i>Chemistry in Britain</i> , Sept. 1997, pp. 59-62.
QR	ZHU et al., "Different Mg to Fe Ratios in the Mixed Metal MgFe Hydroxy-Carbonate Compounds and the Effect on Phosphate Binding Compared with Established Phosphate Binders," <i>Journal of Pharmaceutical Sciences</i> , vo. 19, no. 1, 2002, pp. 53-66.
RR	GRANT et al., <i>Grant &amp; Hackh's Chemical Dictionary</i> , 5 <sup>th</sup> ed., p. 571.
SR	<i>Merck Index</i> , entries 5694-5707, p. 969
TR	EP0150792 (Equivalent of DE3402878).

Examiner

Date Considered:

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.